P.R. No. 693/06
Presented by Shri Sanjay Shukla
dated 20/3/06

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

CIVIL REVISION NO. 37 OF 2006

PETITIONER: Defendant — M/s Moon Light Agency, Proprietor Asan Das Mohnani S/o Hariram Mohnani, aged about 40 years, resident of Sindhi Colony, Infront of Sindhi Dharamshala Durg, Tahsil and District Durg (CG).

VERSUS

RESPONDENT: Plaintiff — Bhagwan Das S/o Late Shrawan Lal Vishwakarma, aged about 51 years, resident of Block No. 20/B, Plot No. 04 Nehru Nagar (West) Bhilai Tahsil and district Durg (CG).

MEMORANDUM OF CIVIL REVISION UNDER SECTION 115 OF CIVIL PROCEDURE CODE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(28)

आदेश पत्रक

मामला क्रमांक Civil Rev. No. 37/2006 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.03.2006

Smt Renu Kocher, counsel for the applicant/defendant.

None for respondent/plaintiff.

Heard on admission and M.(C.)P.No.440/2006 for stay.

Respondent/plaintiff filed a suit for recovery of Rs.10,000/- (Rupees ten thousand) against the applicant *inter alia* on the ground that applicant took a loan of Rs.10,000/- (Rupees ten thousand) and did not repay the same. Applicant concedes receiving Rs.10,000/- from respondent towards loan but pleaded that he has repaid the amount on 08.08.1998.

Learned lower Court after due appreciation of evidence decreed the suit in favour of respondent and the 1st Appellate Court vide impugned judgment and decree dated 16.01.2006 after appreciating the evidence on record held that the applicant failed to prove repayment of Rs.10,000/- to respondent and therefore, after assigning reasons, confirmed the judgment and decree passed by the lower Court and dismissed the appeal.

Admittedly, applicant took a loan of Rs.10,000/- from respondent. Burden to prove repayment was on the applicant. The witnesses before whom applicant repaid Rs.10,000/- were not examined; no receipt to establish repayment has been obtained by the

देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Judgment	applicant from respondent. Towards security of the loan cheque No. 022705 issued by the applicant was bounced by the Bank. The Court below after discreet appreciation of evidence and on sufficient reasons did not accept the plea of repayment of loan amount. Taking into consideration the admitted facts as also concurrent findings of both the Courts below, I am of the opinion that no illegality or irregularities has been committed by the Court below which calls for interference by this Court in its revisional jurisdiction. In the result, the petition is liable to be dismissed summarily and is accordingly dismissed in limine. In the light of above order, M.(C.)P.No.440/2006 & IA No.1013/2006 stand disposed of. Sd/- V.K.Shrivastava Judge	

[पीछे देखिये